IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO. 1696 OF 2007

1. Nitin Hari Jadhav
2. Hari Dharma Jadhav
3. Sharad Waman Jadhav ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Sandesh D.Patil Advocate for Applicants
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 18, 2007

P.C.

1. Heard the learned advocate for the applicants

and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-51 of 2007 of Padgha Police Station. The said case is mainly under Section 307 of IPC.

3. As far as applicant no.2 Hari is concerned, he is over 80 years of age. The role attributed to him that he had assaulted Complainant-Devanand. As far as applicant no.3-Sharad is concerned, he has assaulted Gurunath with sticks and stones. The medical certificate of Gurunath shows that he had

sustained grievous injury. Besides the present case, the applicant no.3-Sharad is involved in four cases i.e. CR No.I-87 of 1994, I-17 of 2000, I-9 of 2007 all are registered at Padgha Police Station. As far as applicant no.1-Nitin is concerned, no specific role is attributed to him.

4. I have perused the medical certificates of Devanand and Siddharth. Siddharth had bruise on his left forearm. As per the medical certificate, the injury was simple in nature. As far as Devanand is concerned, the medical certificate shows that he had sustained simple injury. In my view, there is sufficient material against the applicant no.3. Moreover, he is also involved in three other cases. Hence, I am not inclined to grant anticipatory bail to the applicant no.3-Sharad. As far as applicant no.2-Hari is concerned, the role assigned to him is that of assaulting Devanand only. The injuries sustained by Devanand was simple. Moreover, applicant no.2-Hari is 80 years of age. Considering the age of applicant no.2-Hari and others facts and circumstances of this case, I am inclined to grant anticipatory bail to the applicant no.1-Nitin Hari Jadhav and applicant no.2-Hari Dharma Jadhav.

5. In the event of arrest, applicant no.1-Nitin Hari Jadhav and applicant no.2 Hari Dharma Jadhav to be released on bail in the sum of Rs.20,000/- (Rs.twenty thousand only) each with one or two sureties to make up the said amount in C.R.No.I-51 of 2007 of Padgha Police Station. The applicants shall report to the concerned Police Station for a period of eight days from 20.6.2007 from 10 a.m. to 2 p.m. and thereafter once in a fortnight till the conclusion of trial.

6. Application qua applicant no.3-Sharad, is rejected.

7. The learned Judge shall not be influenced by any of the observations made in this order while deciding the trial or the bail application Sharad.

8. Application is disposed of in above terms.

[Smt. V.K.Tahilramani, J.]